

Introduced by Senator Denham

February 20, 2004

An act to amend Sections 9904, 9910, 9912, 9932, 9941, 9942, 9943, 9944, 9971, 9972, 9973, 9974, 9975, 9976, 9977, 9978, 9979, 9980, 9981, 9982, 10003, 10006, 10061, 10062, 10063, 10064, 10065, 10066, 10067, 10068, 10103, and 10151 of, to amend the headings of Article 3 (commencing with Section 9941) and Article 4 (commencing with Section 9971 of Chapter 2 of Part 2 of Division 5 of, to add Sections 9914, 9933, and 10100 to, to repeal Sections 9905, 9906, 9911, 10002, 10004, 10005, 10008, 10009, 10071, 10104, and 10105 of, to repeal Article 6 (commencing with Section 10031), Article 8 (commencing with Section 10081), and Article 10 (commencing with Section 10131) of Chapter 2 of Part 2 of Division 5 of, and to repeal and add Sections 9907, 10004, 10007, 10101, and 10102 of, the Food and Agricultural Code, relating to diseased animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1840, as introduced, Denham. Diseased animals: bovine tuberculosis.

Existing law generally provides for the testing of bovine animals for bovine tuberculosis and regulates bovine that react positively to tuberculin. Existing law grants specified powers to the Secretary of Food and Agriculture to carry out the provisions relating to bovine tuberculosis.

This bill would revise and recast various provisions relating to bovine tuberculosis. This bill would remove references to tuberculin from these provisions and would make conforming changes in this regard. This bill would transfer various powers to carry out the provisions

relating to bovine tuberculosis from the secretary to the State Veterinarian.

Existing law makes it a misdemeanor for a person who is not an approved veterinarian to buy, possess, or use tuberculin.

The bill would instead make it a misdemeanor for any person who is not a duly authorized representative of the Department of Food and Agriculture or the United States Department of Agriculture to buy, possess, or use tuberculosis tests. Because this bill would change the definition of an existing crime, it would impose a state-mandated local program.

Existing law authorizes the department to establish and maintain tuberculosis control areas within the state. Existing law generally requires the department to take various actions with respect to testing the cattle in a tuberculosis control area.

This bill would revise and recast the provisions relating to tuberculosis control areas. The bill would remove the above requirements from the department and would instead authorize the State Veterinarian to authorize the tuberculosis testing of any cattle in a tuberculosis control area to determine which animals are affected with tuberculosis.

Existing law requires the slaughter of bovine animals that react positively to a tuberculin test under the supervision of the secretary. Existing law specifies how the owner of the bovine shall be indemnified if an animal is slaughtered pursuant to these provisions.

This bill would require that the animals be slaughtered under the supervision of the State Veterinarian. The bill would revise how the owner is indemnified upon the slaughter of the animal.

Existing law authorizes the slaughter of exposed nonreacting animals in a herd if specified requirements are met.

This bill would repeal those provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Section 9904 of the Food and Agricultural Code is amended to read:

9904. “Bovine animals” means ~~neat~~ cattle.

SEC. 2. Section 9905 of the Food and Agricultural Code is repealed.

~~9905. “Cattle” means neat cattle.~~

SEC. 3. Section 9906 of the Food and Agricultural Code is repealed.

~~9906. “Grade animal” means an animal which is not identified in the herd book of any breed record association that is recognized by the United States Department of Agriculture.~~

SEC. 4. Section 9907 of the Food and Agricultural Code is repealed.

~~9907. “Modified accredited area” means an area so declared by the federal and state departments of agriculture.~~

SEC. 5. Section 9907 is added to the Food and Agricultural Code, to read:

9907. “State TB status” means an area so declared by the United States Department of Agriculture.

SEC. 6. Section 9910 of the Food and Agricultural Code is amended to read:

9910. “Reactor” or “reacting bovine animal” means any bovine animal that reacts positively to a ~~tuberculin~~ *tuberculosis* test or that is ~~adjudged tuberculous on physical examination by an approved veterinarian~~ *determined to be tuberculosis upon examination.*

SEC. 7. Section 9911 of the Food and Agricultural Code is repealed.

~~9911. “Tuberculin” means the product of the growth of the tubercle bacillus from any source, which is used or intended to be used in diagnosing tuberculosis in cattle.~~

SEC. 8. Section 9912 of the Food and Agricultural Code is amended to read:

9912. ~~“Tuberculin”~~ *“Tuberculosis test”* means the use of ~~tuberculin~~ *an official test* for ~~the purpose of~~ diagnosing tuberculosis in cattle.

SEC. 9. Section 9914 is added to the Food and Agricultural Code, to read:

1 9914. “Tuberculosis-exposed cattle” means cattle that have
2 been in contact with, or exposed to, any reactor or tuberculosis
3 infected premises, or any tuberculosis infected material.

4 SEC. 10. Section 9932 of the Food and Agricultural Code is
5 amended to read:

6 9932. The ~~director~~ *State Veterinarian* may make ~~such~~
7 regulations as are reasonably necessary to carry into effect the
8 provisions of this chapter *to prevent bovine tuberculosis from*
9 *entering and spreading within this state.*

10 SEC. 11. Section 9933 is added to the Food and Agricultural
11 Code, to read:

12 9933. The department may enter into any cooperative
13 agreement with the United States Department of Agriculture to
14 undertake tuberculosis control pursuant to this chapter.

15 SEC. 12. The heading of Article 3 (commencing with Section
16 9941) of Chapter 2 of Part 2 of Division 5 of the Food and
17 Agricultural Code is amended to read:

18
19 Article 3. Sale and Use of ~~Tuberculin~~ *Tuberculosis Tests*
20

21 SEC. 13. Section 9941 of the Food and Agricultural Code is
22 amended to read:

23 9941. The department may designate veterinarians, as
24 approved veterinarians, to buy, possess, or use ~~tuberculin~~
25 *tuberculosis tests*, and may suspend or revoke such designation.

26 SEC. 14. Section 9942 of the Food and Agricultural Code is
27 amended to read:

28 9942. Any sale, ~~use~~, or disposition of ~~tuberculin~~ *tuberculosis*
29 *tests* within the state shall be reported to the department within five
30 days after ~~such the sale, use, or disposition.~~

31 SEC. 15. Section 9943 of the Food and Agricultural Code is
32 amended to read:

33 9943. It is a misdemeanor punishable by imprisonment in the
34 county jail for not less than 90 days, without alternative of a fine
35 in any case, for any person who is not ~~an approved veterinarian a~~
36 *duly authorized representative of the department or of the United*
37 *States Department of Agriculture* to buy, possess, or use ~~tuberculin~~
38 *tuberculosis tests.*

39 SEC. 16. Section 9944 of the Food and Agricultural Code is
40 amended to read:

1 9944. It is unlawful for any person to sell or otherwise dispose
2 of any ~~tuberculin~~ *tuberculosis test* in the state that has not been
3 produced under license of the Agricultural Research Service of the
4 United States Department of Agriculture.

5 SEC. 17. The heading of Article 4 (commencing with Section
6 9971) of Chapter 2 of Part 2 of Division 5 of the Food and
7 Agricultural Code is amended to read:

8
9 Article 4. ~~Tuberculin~~ *Tuberculosis Tests*

10
11 SEC. 18. Section 9971 of the Food and Agricultural Code is
12 amended to read:

13 9971. Any approved veterinarian may ear tag or otherwise
14 identify any bovine animal to establish the identity of the animal,
15 while applying a ~~tuberculin~~ *tuberculosis test* to it.

16 SEC. 19. Section 9972 of the Food and Agricultural Code is
17 amended to read:

18 9972. The result of every ~~tuberculin~~ *tuberculosis test* shall be
19 reported to the department by the veterinarian who conducted the
20 test within ~~five days~~ *48 hours* after the completion of the test.

21 SEC. 20. Section 9973 of the Food and Agricultural Code is
22 amended to read:

23 9973. Every reactor, immediately upon the determination of
24 such reaction, shall be identified, pursuant to regulations of the
25 department and the United States Department of Agriculture, by
26 its owner or the owner's agent under the supervision of the
27 approved veterinarian who conducts the ~~tuberculin~~ *tuberculosis*
28 test.

29 SEC. 21. Section 9974 of the Food and Agricultural Code is
30 amended to read:

31 9974. If the ~~secretary~~ *State Veterinarian* has reason to suspect
32 an irregularity in the application of a ~~tuberculin~~ *tuberculosis test*
33 or the identification of reactors, the ~~secretary~~ *State Veterinarian*
34 may enter any premises for the purpose of examining any bovine
35 animals in or on the premises to determine if there has been any
36 abuse or misuse of ~~tuberculin~~ *tuberculosis*, or any faulty,
37 unskillful, or irregular technique or procedure in the application of
38 the ~~tuberculin~~ *tuberculosis test*, identification of reactors, or
39 identification of animals ~~under the tuberculin test~~ *tested for*
40 *tuberculosis*.

1 SEC. 22. Section 9975 of the Food and Agricultural Code is
2 amended to read:

3 9975. It is unlawful for any person to do any of the following:

4 (a) Obstruct, attack, or interfere with, or permit to be
5 obstructed, attacked, or interfered with, the department or an
6 approved veterinarian who is conducting a ~~tuberculin~~ *tuberculosis*
7 test.

8 (b) Neglect or fail to properly secure and restrain any bovine
9 animal to be ~~tuberculin~~ *tuberculosis* tested, or under ~~tuberculin~~
10 *tuberculosis* test, for examination, injection, observation, or other
11 procedures ~~which~~ *that* pertain to a ~~tuberculin~~ *tuberculosis* test.

12 SEC. 23. Section 9976 of the Food and Agricultural Code is
13 amended to read:

14 9976. It is a misdemeanor which is punishable by
15 imprisonment in the county jail for not less than 90 days, without
16 the alternative of a fine in any case, for any person to defeat or
17 interfere with or to attempt to defeat or interfere with a ~~tuberculin~~
18 *tuberculosis* test by the use of chemicals, biological products, or
19 by any other similar means.

20 SEC. 24. Section 9977 of the Food and Agricultural Code is
21 amended to read:

22 9977. It is a misdemeanor which is punishable by
23 imprisonment in the county jail for not less than 90 days, without
24 the alternative of a fine in any case, for any person to obstruct,
25 defeat, or interfere with or to attempt to obstruct, defeat, or
26 interfere with a ~~tuberculin~~ *tuberculosis* test by transporting from
27 a premises or by hiding away or sequestering any bovine animal
28 from or by bringing substitute bovine animals onto, such premises
29 after receipt of a notification by the owner or person in charge of
30 such animals on the premises from the department or from an
31 approved veterinarian who is conducting ~~tuberculin~~ *tuberculosis*
32 tests, stating that the animals or herd on such premises will be
33 ~~tuberculin~~ *tuberculosis* tested on or before a certain date or will be
34 under ~~tuberculin~~ *tuberculosis* test for a stated period and that the
35 animals or herd shall be held on the stated premises for a specified
36 period.

37 SEC. 25. Section 9978 of the Food and Agricultural Code is
38 amended to read:

39 9978. Permission in writing may be obtained from the
40 department or the approved veterinarian who is conducting the

1 ~~tuberculin~~ *tuberculosis* tests to allow any necessary movement of
2 the animals required to be held pursuant to Section 9977. Upon the
3 completion of the ~~tuberculin~~ *tuberculosis* test ~~which~~ *that* is
4 referred to in the notification, the department or the approved
5 veterinarian shall issue a written release from the holding
6 requirements of the notice.

7 SEC. 26. Section 9979 of the Food and Agricultural Code is
8 amended to read:

9 9979. It is unlawful for any person to apply a ~~tuberculin~~
10 *tuberculosis* test to any bovine animal ~~which~~ *that* has at any time
11 been found by an approved veterinarian to be a reactor.

12 SEC. 27. Section 9980 of the Food and Agricultural Code is
13 amended to read:

14 9980. It is unlawful for any person to knowingly ~~inject into~~
15 ~~any bovine animal any substance, that is purported to be~~
16 ~~tuberculin, which is not tuberculin~~ *apply tuberculosis tests that are*
17 *not approved tests.*

18 SEC. 28. Section 9981 of the Food and Agricultural Code is
19 amended to read:

20 9981. It is unlawful for any person to have any *tuberculosis*
21 *infected or exposed* bovine animal at any livestock fair or show;
22 ~~unless the animal is free from tuberculosis, as evidenced by a~~
23 ~~tuberculin test record which is approved by the department.~~

24 SEC. 29. Section 9982 of the Food and Agricultural Code is
25 amended to read:

26 9982. It is unlawful for any person to knowingly sell, after
27 notification of its condition from the department, any bovine
28 animal ~~which~~ *that* has tuberculosis as shown by a positive reaction
29 to the ~~tuberculin~~ *tuberculosis* test, physical examination, or other
30 test, or other examination, which is recognized by the department,
31 unless such person has first obtained a permit in writing from the
32 department.

33 SEC. 30. Section 10002 of the Food and Agricultural Code is
34 repealed.

35 ~~10002. A tuberculosis control area shall consist of one or~~
36 ~~more entire counties.~~

37 SEC. 31. Section 10003 of the Food and Agricultural Code is
38 amended to read:

39 10003. When the department establishes a tuberculosis
40 control area, ~~it shall issue a proclamation which shall be published~~

~~for three successive weeks in a newspaper of general circulation that is published in such area the affected industry shall be notified.~~

SEC. 32. Section 10004 of the Food and Agricultural Code is repealed.

~~10004. The department shall examine and tuberculin test all dairy cattle in the tuberculosis control areas, and, with the consent of the owner, such beef cattle as the director may specify, as often as may be deemed necessary, in order to determine which animals are affected with tuberculosis.~~

SEC. 33. Section 10004 is added to the Food and Agricultural Code, to read:

10004. The State Veterinarian may authorize the testing of any cattle in a tuberculosis control area to determine which animals are affected with tuberculosis.

SEC. 34. Section 10005 of the Food and Agricultural Code is repealed.

~~10005. The testing of beef cattle shall be compulsory whenever the percentage of reactors among dairy cattle has been reduced to 1 percent or below.~~

SEC. 35. Section 10006 of the Food and Agricultural Code is amended to read:

10006. All owners of cattle within a tuberculosis control area ~~which that~~ are subject to examination and ~~tuberculin~~ tuberculosis testing shall, upon request of the department, provide necessary facilities for ~~making tuberculin~~ conducting tuberculosis tests, and render such assistance as may be required.

SEC. 36. Section 10007 of the Food and Agricultural Code is repealed.

~~10007. Cattle of the following classes may enter a tuberculosis control area in accordance with the regulations of the department:~~

~~(a) Cattle regularly tested and nonreacting in a tuberculosis control area, or from state or federal accredited herds or modified accredited herds or from modified accredited areas.~~

~~(b) Cattle of beef breeds.~~

~~(c) Cattle that are to be sold and reshipped out of the area.~~

~~(d) Cattle that have been tested and found to be reactors and identified that are shipped for immediate slaughter.~~

SEC. 37. Section 10007 is added to the Food and Agricultural Code, to read:

1 10007. Cattle moving into a tuberculosis control area must
2 meet the requirements specified by the State Veterinarian.

3 SEC. 38. Section 10008 of the Food and Agricultural Code is
4 repealed.

5 ~~10008. Except as otherwise provided in Section 10007, cattle~~
6 ~~may not enter a tuberculosis control area unless:~~

7 ~~(a) Accompanied by a tuberculin test certificate which is~~
8 ~~acceptable to the department and issued by a duly authorized~~
9 ~~veterinarian. The certificate shall show the cattle to have~~
10 ~~negatively passed a tuberculin test within 60 days prior to~~
11 ~~shipment or movement, if the cattle are from outside the state, or~~
12 ~~within 30 days, if the cattle are from within the state.~~

13 ~~(b) The entire herd from which the animals originated are~~
14 ~~tuberculin tested and the number of animals reacting does not~~
15 ~~exceed 10 percent.~~

16 SEC. 39. Section 10009 of the Food and Agricultural Code is
17 repealed.

18 ~~10009. All cattle which enter any tuberculosis control area,~~
19 ~~pursuant to Section 10008, shall be held under supervision and~~
20 ~~tuberculin retested within 90 days after arrival by an agent of the~~
21 ~~department or the United States Department of Agriculture. A~~
22 ~~copy of each tuberculin test certificate which accompanies cattle~~
23 ~~that enter any tuberculosis control area shall be forwarded to the~~
24 ~~department on or before the date of shipment or movement. Forms~~
25 ~~for the certificates, for cattle which originate within the state, shall~~
26 ~~be obtained from the department.~~

27 SEC. 40. Article 6 (commencing with Section 10031) of
28 Chapter 2 of Part 2 of Division 5 of the Food and Agricultural Code
29 is repealed.

30 SEC. 41. Section 10061 of the Food and Agricultural Code is
31 amended to read:

32 10061. ~~Any~~ *The State Veterinarian may impose a quarantine*
33 *pursuant to Section 9562 when any bovine animal, in a*
34 ~~tuberculosis control area, reacting~~ *reacts* positively to a tuberculin
35 tuberculosis test conducted by a representative of the Federal or
36 State Department of Agriculture, or ~~adjudged~~ *determined to be*
37 tuberculous upon physical examination ~~by the representative,~~
38 ~~shall immediately be segregated from other bovine animals which~~
39 ~~are not reactors.~~

1 SEC. 42. Section 10062 of the Food and Agricultural Code is
2 amended to read:

3 10062. The value of the reacting bovine animal *for which*
4 *indemnity is paid* shall be determined ~~by appraisement by a~~
5 ~~representative of the department or a representative of the~~
6 ~~Agricultural Research Service of the United States Department of~~
7 ~~Agriculture, and by the owner or his agent. In case of failure to~~
8 ~~agree on the valuation, the animal shall be appraised by the chief~~
9 ~~appraiser of the department or his representative. In either event,~~
10 ~~the value determined shall be final in accordance with the~~
11 ~~provisions in Sections 9592 and 9593.~~

12 SEC. 43. Section 10063 of the Food and Agricultural Code is
13 amended to read:

14 10063. Within 30 days after the appraisal of the animal, it
15 shall be slaughtered under the supervision of the ~~director~~ *State*
16 *Veterinarian.*

17 SEC. 44. Section 10064 of the Food and Agricultural Code is
18 amended to read:

19 10064. Animals shall be tested or slaughtered pursuant to this
20 article even if indemnity funds are unavailable. ~~Indemnity, if~~
21 ~~available, may be paid from either or both of the following~~
22 ~~appropriations:~~

23 ~~(a) An appropriation of the United States to assist in the~~
24 ~~eradication of tuberculosis in cattle in this state.~~

25 ~~(b) An appropriation of this state for payment of the indemnity~~
26 ~~by the state pursuant to this chapter.~~

27 SEC. 45. Section 10065 of the Food and Agricultural Code is
28 amended to read:

29 10065. The slaughtering of any animal, pursuant to this
30 article, shall be under the supervision of ~~an inspector of the~~
31 ~~department, or of the Agricultural Research Service of the United~~
32 ~~States Department of Agriculture. In any chartered or incorporated~~
33 ~~city or city and county that maintains a regular meat inspection~~
34 ~~service by persons who have passed the civil service meat or~~
35 ~~market inspectors' examination, the slaughtering of animals~~
36 ~~pursuant to this chapter may be under the supervision of the local~~
37 ~~officers.~~

38 SEC. 46. Section 10066 of the Food and Agricultural Code is
39 amended to read:

1 10066. The carcasses of the slaughtered animals shall be
2 disposed of pursuant to the regulations of the department or the
3 rules and regulations of the ~~Agricultural Research Service of the~~
4 United States Department of Agriculture ~~which~~ *that* govern meat
5 inspection.

6 SEC. 47. Section 10067 of the Food and Agricultural Code is
7 amended to read:

8 10067. If an animal is slaughtered pursuant to this article, and
9 indemnity funds are available, the owner may receive part or all
10 of the following:

11 (a) The proceeds of the sale of the salvage of the animal.

12 ~~(b) From the state, up to one third of the difference between the~~
13 ~~appraised value and the proceeds of the sale of the salvage, but in~~
14 ~~no instance to exceed three hundred dollars (\$300) for any animal.~~

15 ~~(c)~~

16 (b) From the United States, any sum that is authorized to be
17 paid to the owner from any appropriation that is made by the
18 United States to assist in the eradication of tuberculosis in cattle
19 in this state.

20 SEC. 48. Section 10068 of the Food and Agricultural Code is
21 amended to read:

22 10068. Indemnity provided by this article shall not be paid to
23 any person in any of the following cases:

24 (a) ~~For any steer or grade bull which is determined to be a~~
25 ~~reactor.~~

26 ~~(b) For any bovine animal which that is brought into a~~
27 ~~tuberculosis control area that reacts to a tuberculin tuberculosis~~
28 ~~test which that is applied within 90 days after arrival of the animal~~
29 ~~in the area, as provided for in this chapter.~~

30 ~~(c)~~

31 (b) For any bovine animal ~~which that~~ is brought into a
32 tuberculosis control area in violation of any law, any regulation of
33 the department, or any rule or regulation of the United States
34 Department of Agriculture.

35 ~~(d)~~

36 (c) For any reacting bovine animal, until the premises, where
37 the animal had been kept, have been cleaned and disinfected by the
38 owner in a manner ~~which that~~ is approved by an agent of the
39 department or of the United States Department of Agriculture.

40 ~~(e)~~

1 (d) For any reacting bovine animal ~~which that~~ is not
2 slaughtered within 30 days after the animal is appraised.

3 ~~(f)~~

4 (e) For any animal ~~which that~~ is owned by the United States,
5 this state, or any county or city in the state.

6 ~~(g)~~

7 (f) If ~~such the~~ person has violated any provision of this chapter
8 ~~which that~~ relates to a tuberculosis control area or any regulation
9 ~~which that~~ is made by the department that relates to such an area.

10 SEC. 49. Article 8 (commencing with Section 10081) of
11 Chapter 2 of Part 2 of Division 5 of the Food and Agricultural Code
12 is repealed.

13 SEC. 50. Section 10100 is added to the Food and Agricultural
14 Code, to read:

15 10100. The State Veterinarian may impose a quarantine
16 pursuant to Section 9562 when it has been determined that any
17 bovine animal has been exposed to tuberculosis.

18 SEC. 51. Section 10101 of the Food and Agricultural Code is
19 repealed.

20 ~~10101.—As used in this article, “tuberculosis-exposed cattle”~~
21 ~~means cattle which have been in contact with, or exposed to, any~~
22 ~~reactor or tuberculosis-infected premises.~~

23 SEC. 52. Section 10101 is added to the Food and Agricultural
24 Code, to read:

25 10101. The State Veterinarian may impose tuberculosis
26 testing requirements for tuberculosis-exposed cattle.

27 SEC. 53. Section 10102 of the Food and Agricultural Code is
28 repealed.

29 ~~10102.—In order to prevent the spread of tuberculosis through~~
30 ~~movement of tuberculosis-exposed cattle, the department, upon~~
31 ~~determination that any cattle have been so exposed, may in writing~~
32 ~~notify the owner of exposed cattle that such cattle shall not be~~
33 ~~moved from the premises where they were found until a release in~~
34 ~~writing from the department is given to the owner which permits~~
35 ~~their movement. The premises, or portion of the premises upon~~
36 ~~which tuberculosis-exposed cattle are found, shall be identified in~~
37 ~~the notice. The department shall base its release upon a~~
38 ~~determination that is made from further tuberculin tests or~~
39 ~~examinations, or both, and a finding that the danger of the spread~~
40 ~~of tuberculosis no longer exists.~~

SEC. 54. Section 10102 is added to the Food and Agricultural Code, to read:

10102. Indemnity for reacting tuberculosis-exposed cattle may be available and shall be in accordance with the provision stated in Article 7 (commencing with Section 10061) of this chapter.

SEC. 55. Section 10103 of the Food and Agricultural Code is amended to read:

~~10103. Notwithstanding the provisions of Section 10102, the department~~ *The State Veterinarian* may issue a special permit for the movement of tuberculosis-exposed cattle to any of the following:

(a) An establishment ~~which~~ *that* is operating under state, state approved, or federal meat inspection, or a public stockyards designated by the department to handle reactors and tuberculosis-exposed cattle for slaughter.

(b) Premises where tuberculosis-exposed cattle are kept.

(c) Premises where no spread of tuberculosis to other cattle could occur.

SEC. 56. Section 10104 of the Food and Agricultural Code is repealed.

~~10104. This article does not apply to any salesyard or public stockyard nor to any cattle which are in or moving through any salesyard or public stockyard.~~

SEC. 57. Section 10105 of the Food and Agricultural Code is repealed.

~~10105. It is unlawful for any person to drive, transport, or otherwise move tuberculosis-exposed cattle from any tuberculosis-infected premises unless such cattle are accompanied by a release in writing or by a special permit which is issued pursuant to this article.~~

SEC. 58. Article 10 (commencing with Section 10131) of Chapter 2 of Part 2 of Division 5 of the Food and Agricultural Code is repealed.

SEC. 59. Section 10151 of the Food and Agricultural Code is amended to read:

10151. If the owner or any person that is in charge of cattle, after 10 days' written notice, refuses properly to confine in corrals or stanchions any cattle that are subject to examination, ~~tuberculin~~ *tuberculosis* testing, identification, or slaughter, the department

1 may employ help and incur expenses that are necessary to properly
2 examine, ~~tuberculin~~ *tuberculosis* test, identify, or slaughter, the
3 cattle.

4 SEC. 60. No reimbursement is required by this act pursuant
5 to Section 6 of Article XIII B of the California Constitution
6 because the only costs that may be incurred by a local agency or
7 school district will be incurred because this act creates a new crime
8 or infraction, eliminates a crime or infraction, or changes the
9 penalty for a crime or infraction, within the meaning of Section
10 17556 of the Government Code, or changes the definition of a
11 crime within the meaning of Section 6 of Article XIII B of the
12 California Constitution.

